



Express Mail No. EV 346 810 541 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Vered HORNIK et al.

Confirmation No: 3691

Application No.: 09/734,583

Group Art Unit: 1654

Filed: December 13, 2000

Examiner: Maury A. Audet

For: CONFORMATIONALLY CONSTRAINED  
BACKBONE CYCLIZED SOMATOSTATIN  
ANALOGS

Attorney Docket No.: 87534-3000

TERMINAL DISCLAIMER FEE

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Office Action dated September 23, 2003, applicants submit a Terminal Disclaimer to overcome the current double patenting rejection and place all claims in condition for allowance.

The fee which is required to be paid for the filing of the terminal disclaimer is believed to be \$110.00. Please charge the required fee and any additional fees to Winston & Strawn Deposit Account No. 501-814.

Respectfully submitted,

*Hesi A. Charent (50,932)*  
*for Allan A. Fanucci*  
Allan A. Fanucci (Reg. No. 30,256)

Date

2/23/04

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**TERMINAL DISCLAIMER**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Your Petitioner, Allan A. Fanucci, represents that he is a partner in the law firm of Winston & Strawn LLP, and is the attorney of record for the present application.

Your petitioner states that Peptor Ltd. is the Assignee of the entire interest in and to the above-identified application by virtue of an assignment which was filed on December 13, 2000 at reel 011392 frame 0094. This petition is made on behalf of and for the benefit of the Assignee.

Petitioner hereby disclaims the terminal part of any patent granted on the above identified application which would extend beyond the expiration date of U.S. Patents 5,770,687; 6,051,554; and 6,355,613 B1, each of which is assigned to Peptor Ltd. (the "prior Peptor somatostatin analog patents"), and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to each of the prior Peptor somatostatin analog patents.

Petitioner further agrees that this agreement is to run with any patent granted on the above identified application and is to be binding upon the grantees, their successors and their assigns.

Petitioner does not disclaim any terminal part of any patent which issues on the above-identified application prior to the expiration date of any of the prior Peptor somatostatin analog patents in the event that the patent: is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its full statutory term, except for the separation of legal title stated above.

Petitioner hereby confirms that he has reviewed the assignment and, to the best of his knowledge and belief, title is in the Assignee seeking to take action in this matter and that he is empowered to act on behalf of the inventors and Assignee.

Petitioner hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made, are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed this 23rd day of February, 2004.

*Lesi A. Chiarini (60,932)*  
*for Alan A. Fanucci*  
Alan A. Fanucci (Reg. No. 30,256)